

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALEXANDER BROWN,	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 06-5408
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	

MEMORANDUM

BUCKWALTER, S. J.

July 26, 2007

Defendants have moved to dismiss plaintiff's complaint because plaintiff has, while incarcerated, on three or more occasions, filed an action in federal court which was dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted.

The following actions, filed under the name Alexander Brown, were dismissed as frivolous: (1) Civil Action No. 01-5902 by order dated March 7, 2002; (2) Civil Action No. 01-5901 by order dated April 8, 2002; (3) Civil Action No. 98-1059 by order dated April 6, 1998; and (4) Civil Action No. 97-6900 by order dated December 23, 1997.

In addition, under the name of John Hooks, plaintiff has in the past filed the following actions: (1) Civil Action No. 00-1385, closed May 6, 2000; (2) Civil Action No. 00-3303, closed September 20, 2000; (3) Civil Action No. 00-5661, closed June 24,

2002; (4) Civil Action No. 01-5342, closed October 23, 2001; (5) Civil Action No. 01-5343, closed April 1, 2002; (6) Civil Action No. 01-5901, closed April 8, 2002; (7) Civil Action No. 01-5902, closed March 7, 2002; (8) Civil Action No. 97-2532, closed May 3, 1999; (9) Civil Action No. 97-2533, closed May 3, 1999; (10) Civil Action No. 97-2534, closed May 3, 1999; (11) Civil Action No. 97-2584, closed May 3, 1999; (12) Civil Action No. 97-2585, closed May 3, 1999; (13) Civil Action No. 97-6900, closed November 14, 1997; (14) Civil Action No. 98-1059, closed April 6, 1998; (15) Civil Action No. 98-6019, closed February 12, 2002; (16) Civil Action No. 99-742, closed December 17, 2001; (17) Civil Action No. 99-1268, closed November 18, 1999; (18) Civil Action No. 99-1269, closed November 18, 1999; (19) Civil Action No. 99-2713, closed November 8, 2001; (20) Civil Action No. 99-4189, closed October 15, 1999; and (21) Civil Action No., closed January 4, 2000.

Throughout the history of these filings, the court has from time to time either sought or actually obtained counsel for plaintiff thanks to the conscientious efforts of pro bono counsel from Cozen and O'Connor; Dechert; and most recently, Saul Ewing. The last attempt resulted in counsel determining that the case had not merit by letter to the court dated June 19, 2007.

Plaintiff is wise to the ways of prisoner litigation and claims that "plaintiff during the time of filing before and after even filing civil action, was, has been and still today this very moment is in imminent danger of serious bodily harm."

The above is conclusory in nature, setting forth no facts upon which the conclusion of being in imminent danger is based. Plaintiff continues to file various motions and letters evidencing his ability to correspond with the court with considerable regularity.

The court in Abdul-Akbar v. McKelvie, 239 F.3d 307 (3rd Cir. 2001) stated that: “a prisoner may invoke the ‘imminent danger’ exception only to seek relief from a danger which is ‘imminent’ at the time the complaint is filed.”

Cognizant of this case and because of our general obligation to pro se litigants, this court as previously mentioned has from time to time sought representation for plaintiff. While aware that the court’s own ability, or indeed, counsel’s ability to determine whether imminent danger exists to plaintiff is not easily determined in this case, the plaintiff himself has failed to do anything but use what he must think are the “magic words” to get him into court. More is needed, however, than just the recitation of language of the statute.

An order follows.

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v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 26th day of July, 2007, upon consideration of defendants' motions to dismiss (Docket Nos. 21 and 22), and plaintiff's response thereto, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that defendants' motions are GRANTED and plaintiff's complaint is DISMISSED.

This case is CLOSED.

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.
RONALD L. BUCKWALTER, S.J.